

902: Identifying a Conflict of Interest

A. These procedures are designed to permit the IDoA SLTCOP, AAAs, provider agencies and Regional Ombudsmen to identify and remedy any actual or potential conflict of interest.

B. Organizational conflicts

Conflicts which may arise from organizational location include, but are not limited to, LTCOP placement in an agency that:

1. has an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long term care facility or of a provider of a long term care service;
2. is employed by or participates in the management of a long term care facility;
3. has governing board members with ownership, investment or employment interest in long term care facilities;
4. has direct involvement in the licensing or certification of a long term care facility or long term care services; or
5. receives or has the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long term care facility.

C. Individual LTCO conflicts

Conflicts for a LTCO may include, but are not limited to, the

following:

1. employment of an individual or a member of his/her immediate family by a long term care facility in the service area or by the owner or operator of any long term care facility in the service area;
2. participation in the management of a long term care facility by an individual or a member of his/her immediate family;
3. ownership or investment interest (represented by equity, debt, or other financial relationship) in an existing or proposed long term care facility or long term care service by an individual or a member of his/her immediate family;
4. involvement in the licensing or certification of a long term care facility or provision of a long term care service by an individual or a member of his/her immediate family;
5. receipt of remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long term care facility;
6. accepting money or any other consideration from anyone other than the provider agency or other entity designated by the SLTCO for the performance of an act in the regular course of a LTCO's duties;
7. provision of services with conflicting responsibilities while serving as a LTCO to a resident such as adult protective services; discharge planning; serving as a guardian, agent under power of attorney or other surrogate decision-maker for a long term care resident in the service area; pre-admission screening or case

management for long term care residents;

- D. The residence of a member of an individual's family in a long term care facility or past employment in a long term care facility shall not, in and of itself, be construed as an impermissible conflict of interest.
- E. Nothing in Section 902 of this manual shall preclude a LTCO, other than the Regional Ombudsman, from performing any of the above named activities provided that such activities are only conducted when s/he is not functioning in the role of LTCO.